

ATTACHMENT CV-A

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

UNDER

the Resource Management Act 1991

IN THE MATTER OF

an appeal under clause 14 of the First Schedule
to the Act

BETWEEN

**FOUNTAINBLUE LIMITED & ORS
ENV-2009-CHC-190**

Appellants

AND

MACKENZIE DISTRICT COUNCIL

Respondent

**MEMORANDUM RECORDING AGREED POSITION ON
FARM BASED AREA AND LAKESIDE PROTECTION AREA**

DATED 3 August 2010

**AIDAN PREBBLE
CAVELL LEITCH PRINGLE & BOYLE
SOLICITORS
LEVEL 15 CLARENDON TOWER
PO BOX 799
CHRISTCHURCH**

**TELEPHONE: (03) 379 9940
FACSIMILE: (03) 379 2408**

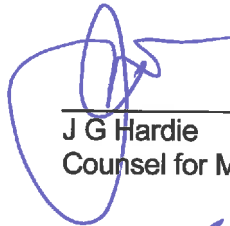
The Parties record:

1. This memorandum relates to an appeal by Fountainblue Limited, Southern Serenity Limited, Pukaki Downs Tourism Holdings Limited (“Fountainblue”) on Plan Change 13 to the Mackenzie District Plan. The memorandum records an agreed position between Fountainblue and the Mackenzie District Council (“the Council”) in relation to:
 - 1.1. The Farm Base Area (“FBA”) at Pukaki Downs Station; and
 - 1.2. The location of the Lakeside Protection Area (“LPA”) on Pukaki Downs Station.
2. After initial discussions between representatives of Fountainblue and the Council, discussions have taken place between the parties respective landscape architects. As a result of those discussions agreement has been reached as to the proper size and location for the FBA, and the proper orientation of the LPA at Pukaki Downs Station.
3. The agreed FBA is shown in **Appendix A**.
4. The agreed LPA is shown in **Appendix B**.
5. The agreement of the landscape architects has subsequently been approved by Fountainblue and the Council, as is shown by the signatures below. The agreement will be presented to the Court at the commencement of the hearing of the appeals on PC13.
6. The parties record that the agreed positions are within the scope of Fountainblue’s appeal on PC13. In particular, the movement of the LPA is considered within the scope of the appeal which seeks that the LPA be deleted in its entirety around Lake Pukaki.
7. It is noted that the new location of the LPA, where it is located close the north-eastern fenceline of the Western Pukaki Site of Natural Significance¹ (a Department of Conservation Scientific Reserve), has been drawn to recognise part of an existing farm track.

¹ See Map 28 of the Mackenzie District Plan Maps.

8. The lines shown in the attached appendices indicate the parties agreed FBA and LPA at Pukaki Downs Station and they will request that the Environment Court direct that PC13 and the Mackenzie District Plan be amended accordingly.
9. The parties' agree that the classification status for activities within the LPA is unchanged from that determined by the Council decision.
10. As a result of this agreement, and pending Court approval, Fountainblue's relief in relation to the identified FBA and the LPA at Pukaki Downs Station is otherwise withdrawn.

DATED at Christchurch this *3rd* day of August 2010



J G Hardie
Counsel for Mackenzie District Council



A J Prebble
Counsel for Fountainblue Ltd & Ors

